

**REMARKS:**

This Amendment is in response to the Non-Final Office Action mailed on June 14, 2007, for the present application, which has been reviewed. The present amended claim 1, dependant claims 2-27, and new claims 29-31, considered together with the September 20, 2007 interview between Examiner Sadaat and the undersigned (Interview Summary – Attachment 1), the Informal Remarks filed October 15, 2007 (Attachment 2), the following remarks and arguments below, and request for reconsideration are believed sufficient to place the application into condition for allowance. Applicants express appreciation for the thoughtful examination by and discussions with the Examiner. Support for the Claim 1 amendment and new claims 29-31 is found in FIG. 7 and paragraph 51. No new matter has been added.

**Rejection of Claims Under 35 U.S.C. §102 Should Be Withdrawn**

The present Office Action rejects claims 1-11 and 13-28 under 35 U.S.C. section 102(f) claiming the Applicants did not invent the claimed subject matter. Specifically, the present action states the claims are substantially similar to the parent application 10/097,783, which identifies inventors Hector Manuel and Ramon Diaz, and the declaration of the present application, which identifies inventor Ramon Diaz and Olga Diaz. Applicants respectfully traverse this rejection and request favorable reconsideration and withdrawal of this rejection. Further, Applicants submit this rejection is rendered moot by the following comments.

Applicants respectfully submit this issue was addressed in the prior application under a Petition to Correct Inventorship filed October 27, 2006 (Attachment 3). This matter was also discussed at the September 20, 2007 Interview referenced above. In short, the original application was filed *pro se* and the parties to the parent application did not know how to

properly identify an inventor. This was corrected with the attached petition. As such, Applicants respectfully request removal of this rejection under 35 USC 102(f).

### **Rejection of Claims Under 35 U.S.C. §103 Should Be Withdrawn**

The present action rejects claims 1-27 under 35 U.S.C. section 103(a) as being unpatentable over US 6,325,631 to Kouba in view of OSHA 2254. Applicants respectfully traverse this rejection and request favorable reconsideration and withdrawal of this rejection. Further, Applicants submit this rejection is rendered moot by the foregoing amendments and the following comments.

The present invention is an online, interactive emergency response training system designed to facilitate the dissemination of safety preparedness information for natural and man-made emergencies, including, but not limited to: fire, earthquake, bomb, medical, and power failure. To satisfy a rejection under 35 USC 103, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Also, the prior art reference must teach or suggest all the claim limitations. While some reason must exist for one of ordinary skill in the art to combine teachings, it is not limited to the reasons which motivated the applicant to arrive at the claimed invention.

Applicants submit that neither test is satisfied under the combination of Kouba and OSHA 2254. As discussed in the interview, Kouba teaches a system that is instructor based and includes a written test. Neither of these are required to practice the present invention. Further, the OSHA document is intended as a guide for professionals and organizational employees. Hence the name Occupational Safety & Health Administration (emphasis added).

Further, under the rejection of claim 18, Applicants submit that Kouba does not disclose a server to authenticate a user. Rather, a 'site administrator' is used.

Nevertheless, in order to further the prosecution of this Application, and without acquiescing to the Examiner's rejection and while reserving the right to prosecute the original claims (or similar claims) in the future, claim 1 has been amended to recite the limitation of tracking revenue associated with the system. Similarly, new claims 29-31 also address this feature of the present invention.

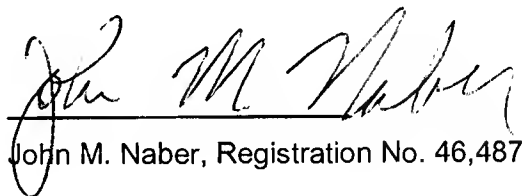
Accordingly, Applicants submit that independent claims 1 and 29 and those claims dependent on claims 1 and 29 are patentable for the reasons set forth above and request removal of the rejection of these claims under 35 U.S.C. § 103(a). In light of the foregoing, Applicants therefore believe claims 1-27, and 29-31 are in condition for allowance, and respectfully requests such allowance.

### **CONCLUSION**

In light of the foregoing, Applicants respectfully submit they have addressed each and every item presented by the Examiner in this Office Action. Favorable reconsideration of all of the claims as amended is earnestly solicited. Applicants submit that the present application, with the foregoing claim and specification amendments and accompanying remarks, is in a condition for allowance and respectfully request such allowance.

In the event any further matters requiring attention are noted by Examiner or in the event that prosecution of this application can otherwise be advanced thereby, a telephone call to Applicants' undersigned representative at the number shown below is invited.

Respectfully submitted,



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